

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
BOSTON DIVISION**

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ZIPWALL, LLC	)	UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS
	)	
Plaintiff,	)	Civil Action No.: 04-CV-10079
v.	)	
	)	District Judge: Robert E. Keeton
C&S MANUFACTURING, INC.	)	
	)	
Defendant.	)	
	)	

**DEFENDANT'S (PROPOSED) DISCOVERY PLAN**

Grossman & Flight, LLC (hereinafter "G&F"), and its local counsel, Robbins, Kaplan, Miller & Ciresi, LLP (hereinafter "RKM&C"), currently have a Motion to Withdraw pending before this Court that they filed on May 5, 2004. On May 26, 2004, Plaintiffs filed a Proposed Discovery Plan in anticipation of the Court's June 9, 2004 Rule 16(b) scheduling conference. Prior to filing the Proposed Discovery Plan, counsel for Plaintiffs contacted the undersigned in an effort to confer on the proposed dates. In response, the undersigned stated that all of the Plaintiff's proposed dates were extremely premature. (Ex. A.)

Although currently awaiting the Court's decision on the pending Motion to Withdraw, Defendant's propose the following alternative pre-trial schedule:

<b>Event</b>	<b>Defendant's Proposed Date</b>
Initial <i>Markman</i> claim construction briefs	October 15, 2004
<i>Markman</i> claim construction response briefs	October 29, 2004
Amending pleadings to add parties	December 17, 2004
Expert reports served on issues on which a party bears the burden of proof	January 14, 2005
Rebuttal expert reports	February 11, 2005
Close of all discovery	March 11, 2005
Deadline for filing dispositive motions	April 8, 2005
Final pretrial conference	June 10, 2005

Defendants object to an expedited trial schedule as proposed by the Plaintiffs.

Respectfully submitted,

Dated: June 1, 2004

Signed:



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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of DEFENDANT'S (PROPOSED) DISCOVERY PLAN has been served via facsimile and U.S. First Class Mail, postage pre-paid, on June 1, 2004, to:

Matthew B. Lowrie  
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Attorney for Defendant.